

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of Thomas J. Skierski

Inventor(s)

for METHOD OF COLOR MATCHING METALLIC PAINTS

Title of invention

the specification of which is being transmitted herewith

OR

In re application of:

Application No.: 0 /

Group No.:

Filed:

Examiner:

For:

Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.Laurie M. Feltes  
SignatureDate: July 11, 2003Laurie M. Feltes

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(Information Disclosure Statement [6-1]—page 1 of 4)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections  
and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited  
and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☐ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (c) ☐ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).  
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
☐ in the practitioner's file.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Robert E. McDonald

\_\_\_\_\_  
*(type or print name of practitioner)*

The Sherwin-Williams Company

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**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*ATTY DOCKET NO.  
7138-2

SERIAL NO.

Thomas J. Skierski

FILING

GROUP

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,059,524	10/23/1962	Grassmann et al.	88	14	06/04/1958
	3,368,864	02/13/1968	Gugerli	8	25	06/10/1963
	3,601,589	08/24/1971	McCarty	235	150	09/19/1969
	3,690,771	09/12/1972	Armstrong, Jr. et al.	356	176	04/7/1970
	3,758,842	09/11/1973	Kudlacik	322	25	05/30/1972
	4,093,991	06/06/1978	Christie, Jr. et al.	364	525	01/26/1977
	4,887,217	12/12/1989	Sherman et al.	364	468	01/04/1985
	5,003,500	03/26/1991	Gerber	364	526	08/24/1989
	5,116,408	05/26/1992	Crozer	106	19	12/05/1990
	5,231,472	07/27/1993	Marcus et al.	356	402	09/16/1991

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

		S. Upton Jenkins, Consultant to Hunter Associates Laboratory, Inc., Reston, Va., "Batch Color Correction By Tristimulus Colorimeter", Modern Paint and Coatings, September 1980, pgs. 41-44
		Marshall M. Lih, Catholic University of America, "Color Technology", Chemical Engineering, August 12, 1968, pgs. 146-156
		A. B. J. Rodrigues, E. I. DuPont de Nemours & Company, Troy, Michigan, USA, Fifth International Conference In Organic Coatings Science and Technology, Volume 3 - Advances in Organic Coatings Science and Technology Series, "Theory & Implementation Of Modern Techniques Of Color Conception, Matching And Control, pgs. 271-282
		"The Kubelka-Munk Theory of Reflectance", pgs. 1-6

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,387,977	02/07/1995	Berg et al.	356	407	09/04/1991
	5,493,404	02/20/1996	Allaire et al.	356	402	06/07/1993
	5,761,070	06/02/1998	Connors et al.	364	478.11	11/02/1995
	6,166,814	12/26/2000	Pringle	356	445	09/30/1998
	6,287,377	09/11/2001	Binns et al.	106	499	10/13/1999
	6,362,885	03/26/2002	Osumi et al.	356	402	11/24/1999

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		Eugene Allen, "Matrix Algebra for Colorimetrists", 6 pages
		Charles Poynton, "Poynton's Color FAQ", Copyright 1997-02-27 [f], 22 pages

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